

United States District Court
For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 JOSE RUBIO-DELGADO, SHALANDA) Case No. 13-cv-03105-SC
10 BURGESS, AND HARRIETTA HUBBARD,)
11 INDIVIDUALLY, ON BEHALF OF OTHER) ORDER GRANTING DEFENDANT'S
12 SIMILARLY SITUATED INDIVIDUALS,) MOTION TO STAY
13 AND ON BEHALF OF THE GENERAL)
14 PUBLIC,)
15)
16 Plaintiffs,)
17)
18 v.)
19)
20 AEROTEK, INC.,)
21)
22 Defendant.)
23

24 Now before the Court is Defendant Aerotek's motion to stay.
25 ECF No. 62. The motion is unopposed. ECF No. 65. The motion is
26 appropriate for resolution without oral argument. Civ. L.R. 7-
27 1(b). For the reasons set forth below, the motion is GRANTED.

28 Plaintiff's putative class action for statutory damages based
29 on an alleged willful violation of the Fair Credit Reporting Act
30 ("FCRA") will be potentially disposed of by decisions in cases
31 pending in the United States Supreme Court and one pending in the
32 Ninth Circuit. First, the pending Ninth Circuit appeal in Syed v.
33 M-1, LLC, No. 14-17186 (9th Cir. 2014), will decide whether the

1 inclusion of a liability release in a disclosure or authorization
2 form such as the one Aerotek provided Plaintiff here can establish
3 a "willful" FCRA violation -- one of Plaintiff's key contentions.
4 Second, the Supreme Court's decision in Spokeo, Inc. v. Robins, 135
5 S. Ct. 1892, No. 13-1339 (2015) is likely to bear on whether this
6 Court has subject matter jurisdiction over Plaintiff's claim since
7 he claims to have Article III standing under FCRA by virtue of
8 Congress having authorized suit based on a bare violation of a
9 federal statute.

10 Accordingly, this action is stayed in its entirety. Upon a
11 final decision being rendered by the Ninth Circuit in Syed or the
12 Supreme Court in Spokeo, whichever is earlier, Counsel shall meet
13 and confer promptly on whether the stay should remain in effect
14 pending whichever case remains to be resolved, or whether some
15 other action is warranted. Counsel shall promptly request a status
16 conference and provide the Court an updated status conference
17 report seven (7) days in advance of that conference. The stay
18 hereby ordered will lift seven days after the status conference,
19 unless the Court issues a further stay.

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21 IT IS SO ORDERED.

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23 Dated: September 22, 2015



24 UNITED STATES DISTRICT JUDGE
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